IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO. 128 OF 2003

IN

SUMMARY SUIT NO. 3172 OF 2001

Ballarpur Industries Ltd. & Anr. .. Plaintiffs

versus

National Insurance Co.Ltd. .. Defendant

...

Mr.Rahul Narichania i/b DH Law Associates for the plaintiff.

Ms.Aarti barve for the defendants.

CORAM : D.G. KARNIK,J.

DATED : 7th February 2005.

P.C.:

1. Heard the learned counsel for the parties.

2. The defence raised by the defendant cannot be said to be illusory or moonshine. Money is claimed from the defendants under the general average bond given by the defendant Insurance Company regarding

the damages suffered to a cargo in the vessel.

3. In the circumstances, the defendant is granted unconditional leave to defend the suit. The suit is transferred to the list of commercial causes. The defendants to file written statement within a period of one month.

D.G. KARNIK, J